

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ALABAMA SOUTHERN DIVISION**

Lisa Peterson,)
)
Plaintiff.) Civil Action No.:
)
vs.) JURY TRIAL DEMANDED
)
ATS Operating LLC)
d/b/a America's Thrift Store)
)
)
)
Defendant.)

COMPLAINT

COMES NOW the Plaintiff, Lisa Peterson, (“Plaintiff”) by and through her undersigned counsel, and hereby files this Complaint against ATS Operating LLC, d/b/a America’s Thrift Store (“Defendant”) and seeks redress for discrimination suffered in Plaintiff’s capacity as an employee of the Defendant. Plaintiff has been discriminated against by the Defendant in violation of The Family Medical Leave Act of 1993 (“FMLA”), 29. U.S.C § 2601 *et seq.* and any other cause(s) of action that can be inferred from the facts set forth herein and states the following:

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to The Family Medical Leave Act of 1993 (“FMLA”), 29. U.S.C § 2601 *et seq.*
2. The unlawful employment acts alleged herein took place within the Southern Division of the Northern District of Alabama.
3. Venue is proper in this Court, the United States District Court for the Northern District of Alabama, pursuant to **Title 28, U.S.C. § 1391** and the Local Rules of the United States District Court for the Northern District of Alabama.

PARTIES

4. Plaintiff Lisa Peterson is domiciled in the State of Alabama.
5. At all relevant times the Plaintiff was an “employee” of the Defendant under the FMLA.
6. The Defendant ATS Operating LLC d/b/a America’s Thrift Store is a domestic Limited Liability Company licensed to do business in Alabama.
7. At all relevant times, Defendant was an “employer” under the FMLA.

GENERAL FACTS

8. Plaintiff began working for the Defendant around April of 1989 in production.
9. Plaintiff worked her way up in the company moving from production to pricing and training, and eventually to a supervisor.

10. Around October 14, 2019, Plaintiff requested FMLA leave.

11. The leave was granted.

12. Plaintiff returned from FMLA leave on or about November 25, 2019.

13. Plaintiff was terminated on or about December 3, 2019.

COUNT I

FMLA Retaliation

14. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1-13 above, as if fully set out herein.

15. On or about November 25, 2019, Plaintiff returned from approved FMLA leave.

16. Upon her return Plaintiff was written up for not holding supervisors accountable.

17. This was a task she could not control while on FMLA leave because she was not present at work.

18. Plaintiff is unaware of any other similarly situated employees that were terminated for an alleged first-time offense such as the one the Plaintiff was terminated for.

19. Further, upon information and a good faith belief there were discussions while Plaintiff was out on FMLA leave about terminating her when she returned from FMLA.

20. These discussions were the result of the Regional Manager being upset that Plaintiff took FMLA leave.

21. Plaintiff was denied full benefits and rights under the FMLA in that she was retaliated against based on her exercise of rights to which she was entitled under the FMLA.

22. These rights include being pulled out of service and ultimately terminated.

23. Defendant's actions were in violation of the FMLA and were taken willfully and with malice or reckless indifference to Plaintiff's federally protected rights.

24. As a result of Defendant's retaliation Plaintiff has suffered and will continue to suffer damage to her professional life and career opportunities, pecuniary losses, emotional distress, inconvenience, shame, mental anguish, loss of enjoyment of life, and non-pecuniary damages.

PRAYER FOR RELIEF FOR ALL COUNTS

WHEREFORE, Plaintiff prays that this Honorable Court will:

A. A declaratory judgment, declaring the Defendant's past practices herein complained of to be unlawful.

- B. Order Defendant to institute and carry out policies, practices, and programs providing equal employment opportunities for Plaintiff and other employees and eradicating the effects of its past and present unlawful employment practices.
- C. Order the Defendant to make whole the Plaintiff by providing other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices.
- D. Order Defendant to make Plaintiff whole by providing compensation for past and future pecuniary and liquidated damages resulting from the unlawful employment practices described above.
- E. Grant such further relief as the Court deems necessary and proper.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury.

Respectfully submitted,

/s/ Ray Foushee
Raymond Foushee
ASB-9344-X13G
Attorney for Plaintiff

/s/Jeremy Schatz
D. Jeremy Schatz
ASB-2400-H34Y
Attorney for Plaintiff

OF COUNSEL:

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Clerk: Please serve the Defendant via certified mail:

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C/O Mac Greaves
1525 Lake Site Drive
Birmingham, AL 35235